IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.1211 OF 2008.
IN
SUIT NO.2674 of 2006.

Mulchand K. Ranka & Anr. ..Plaintiffs

versus

Hiten Jhaveri & Ors. ..Defendants

and

Sonali Suketu Motla . ..Applicant

Mr.R.A.Dada Sr. Counsel, B. Saraf, Z. Dada i/b. I.C.Legal for the plaintiffs

Mr.V.D.Shukla i/b. Shukla Associates for the applicant

Ms.Brigitta John i/b. Wadia Gandhi & Co. for the defendant Nos.1A, 2 and 3B

Mr.N.P.Dalvi for the applicant

CORAM : R.Y.GANOO, J.
DATED : 16th March, 2009.

P.C.

1. Heard counsels on both the sides. This Chamber Summons is taken out by the applicant by contending that she is daughter of defendant No.3B and sister of defendant No.3A. The applicant wants that she should be joined as party defendant because she claims to be member of Motichand Bhaichand Jhaveri (HUF). Learned Sr. Counsel Mr. Madon contended that the present applicant is

married and she is not governed by the provisions of law by which a married daughter can be termed as member of HUF. Learned Sr. Counsel Mr. Dada appearing on behalf of the plaintiffs pointed out that Rajiv Motichand Jhaveri defendant No.3A is joined as Karta of Motichand B. Jhaveri (HUF) and therefore said Rajiv represents the interest of all the persons who are members of the said HUF and therefore even if contention of the applicant that she is member of the HUF is accepted, her interest is adequately represented by defendant No.3A Rajiv and therefore present applicant need not be joined as party as it is well settled that generally manager of the HUF is joined as party defendant and each and every member is not required to be joined as party defendant. He submits that the Chamber Summons be dismissed.

2. After having considered the rival submissions, at this stage it is not necessary for this Court to go into the merits as to whether the applicant is member of Motichand Bhaichand Jhaveri (HUF). Application can be disposed of by treating for a moment that she is a member of the HUF. Since Rajiv Motichand Jhaveri, defendant No.3A is joined as party defendant in his capacity as

manager of the said HUF, if a person is joined as a "karta" he represents the interest of all the members and hence all the members are not required to be joined, as rightly contended by learned Sr. Counsel Mr. Dada.

3. In my view, the stand taken by the applicant that she has to be joined cannot sustain and hence the chamber summons is required to be dismissed. Hence the Order.

ORDER

. Chamber Summons is dismissed. In the peculiar facts of the case, I do not want to saddle the applicant with costs of this Chamber Summons. Hence there shall be no order as to costs.

(R.Y.Ganoo, J.)